

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

ANTELOPE VALLEY UNION HIGH
SCHOOL DISTRICT.

OAH CASE NO. 2013090256

ORDER GRANTING STUDENT'S
REQUEST TO CONTINUE THE FIRST
DAY OF HEARING

On April 24, 2014, Student filed a request to continue the first day of hearing in this matter from April 28, 2014 to April 29, 2014 due to a potential conflict with a District Court status conference. On April 24, 2014, District filed a non-opposition.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request granted because of the short time frame in which the continuance is requested and District's non-opposition. The hearing schedule shall be as follows:

April 29, 2014 from 9:30 a.m. to 5:00 p.m.; April 30, 2014, from 9:00 a.m. until 12:30 p.m.; May 5, 2014 beginning at 9:30 a.m. and May 6, 2014 beginning at 9:30 a.m., and continuing from day to day, Monday through Thursday as needed at the discretion of the hearing ALJ.

District shall make the hearing room available to the ALJ from and after 8:30 a.m. on the first day of hearing. No further continuances are contemplated by OAH.

The parties shall notify OAH no later than 3:30 p.m. on the day before the first day of hearing if the matter has settled, in accordance with the prehearing conference order. All other terms of the prehearing conference order remain in effect.

IT IS SO ORDERED.

DATE: April 24, 2014

/s/

ADRIENNE L. KRIKORIAN
Administrative Law Judge
Office of Administrative Hearings